

Work Session

May 14, 2007

7:00 p.m.

Present: Supervisor Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Boniello; Eng. Lannon; Deputy Sup. Elgin; Finance Officer DiRamio and Town Clerk Brandon. 1 press rep and 14 residents.

The Supervisor opened the work session at 7:03 p.m.

The Supervisor recognized William G. Mayne Jr. by the reading of a proclamation in his honor for his many contributions to the Town and the community. Council members commented on his many accomplishments and his commitment to the Town.

Johnson MOVED for the acceptance of the Proclamation. Seconded by Edwards and carried 5-0.

Item #1: Lighting Cmte. re Riverwalk, Lighting Policy.

Chairman Ken Kenney of the Lighting Committee stated they were not in favor of giving lights to developers for projects within the Town. I think that through a resolution.... that when these developers come in to make sure that the lighting is part of the package. The current directive says we should have lighting at curves, cul-de-sacs and intersections. We feel the Town is not in the lighting business. If you tell us for safety purposes lights are needed and National Grid concurs after a project is completed that they can't put their own lights in then we will look at it. At Riverwalk, if you want lights and how many and then if you do this one there are several new developers that would want lights.

Johnson asked if the Lighting Cmte. reviews current subdivisions?

Kenney said no. They have never done that.

Johnson said that we do not want to set precedence. Rivewalk could do this through their association. We may have to make a decision that from now on from an engineering standpoint we should include the Lighting Cmte.

Edwards said he believed that the developer should be putting the lights in but the developer cannot enter into a contract with National Grid, only the Town can. If we revamp our policy we can hold in escrow the cost of installation with the developer and put them as needed.

Kenney: National Grid will not run across someone's property but will run a meter to where the property starts and then the contractor takes it the rest of the way.

John Barber of the Cmte. and an employee of National Grid explained the policy. Barber referring to Saddlewood stated that if the development wants to own their own lights, National Grid would run all the conduits and they would own the poles and the foundations. We (National Grid) own the head and the lamp and there would be a sub charge for that. If they want to add lights they could get a contractor to do this but it would have to be metered. Saddlewood would own those lights and pay for them through a home owners' association.

Johnson said other developments would have to create associations and they would have to have a lighting district i.e. Gorgeview.

Barber: We own and maintain the lights and charge the Town with the only other way is if you want to add additional lights with an outside contractor and they would be metered and billed to the association. There is no other way to do it.

Edwards said without an association there is no means for the developer to put in lights other than a special lighting district.

Newlin said maybe any development over “x” number of homes could require a special district be set up and that way the new homes would recover the costs that everyone else is paying.

Johnson said if we put in 150 homes and lights are needed, it could be a lighting district so it could be created by the developer in the beginning.

Edwards asked if the committee could come up with some rules and regulations i.e. 100 homes that there should automatically be a special lighting district and this can be put in the town law policy.

Johnson: We can stipulate with the developer in writing that the purchaser knows that there would be no lights and/or additional lights and there would be the creation of a lighting district.

Newlin said that the Lighting Committee and this Board will have to consider each subdivision on its’ own merit Once a development is started we are not going to put up any lighting and the purchasers should know that. We ask that this committee develop some type of a policy and we will make sure that you are considered in all subdivisions.

Johnson MOVED that any new developments within the Town of Lewiston that the Town Engineers obtain a recommendation from the Lighting Cmte. and the Cmte. will sign off on the lighting. Seconded by Palmer and carried 5-0.

Item #2: Presentation by Empire State Wind Energy:

Frank Silvernail of the Tower/Wind Energy Cmte. gave a brief background of this issue (wind energy alternative) and introduced Mr. Keith Pitman of ESWE

Keith Pitman, President & CEO of Oneida, N.Y. Our company is a wind tower developer with the idea that most of the net proceeds would come back to the municipality and local ownership options along with taxing guidelines. A summary of the process was explained. I recently spoke before the Town of Somerset about this issue.

Newlin asked if in the wind energy side it would allow for a time shift production with capacity or demand.

Pitman stated that you cannot run a system on wind power only and it is part of the mix.

Newlin asked if it would be specifically feasible to Lewiston for wind plants to work. If there is not enough wind power here in peak times throughout the year does it make any sense for the Town to pursue this?

Pitman: You already have above average winds that would be a plus. You also need some transmission systems which you have. You would also need large amounts of land (hundred of acres of farm land).

Bax asked if there is no demand for power at the time you are generating and if I had a personal power station would it run my meter backwards. Would that be the same thing for the Town?

Pitman said it would go back into the grid. The whole process would be a 2-year cycle to get the permits, land rights, equipment etc. The equipment is currently manufactured in Europe. Discussion continued.

The Supervisor thanked Mr. Pitman for his presentation.

Item #3: Abstract:

Edwards MOVED to approve the Abstract of Claims Nos. 1163 to 1515 and recommended payment in the amount of \$560,871.67. Seconded by Bax and carried 5-0.

Edwards MOVED for approval of the Post Audits in the amount of \$210,765.77. Seconded by Palmer and carried 5-0.

Item #4: Power Re-licensing Update:

Newlin: A public hearing was held last week which discussed the benefits of the agreement and the hydropower to residential rates for Lewiston. The interview committee met and interviewed candidates for the presidency of the NPC and 2 were recommended to the members of the NPC who will meet before the end of this month.

Item #5: Alarm Fees/Training Fund:

Johnson stated that no meeting had been held and asked that this be put on May 24th agenda.

Item #6: Engineering Update:

Leone: There are some sewer easements in Saddlewood that are no longer necessary. Attorney Layman has requested that the Town abandon its interest in the portion that is not needed or desired and inaccessible.

Johnson MOVED to authorizing the abandonment of the easements as noted and the authority of the Supervisor to sign the documents as presented. Seconded by Edwards and carried 5-0.

Lannon: You have the draft report for the Stormwater Project and there is space provided for public comment and review and they will be incorporated into the document. At the May 24th meeting we will ask for a resolution for the Supervisor to sign the report.

Golf Course Update:

Lannon: There is a findings statement generated by the applicant that is due by May 18th. The Environmental Comm. will be meeting on May 22nd to review the report and at the May 24th meeting the Town Board can take action to proceed with the golf course.

Johnson asked about the shell bark trees and the wetlands. I would like you and Mr. Britton to inspect the area where debris has been deposited and notify the developer.

Lannon said the developer plans to start the earth work portion as soon after the SEQRA process is completed. That issue will be dealt with then.

Updated Map/Sanborn Sewers:

I was asked to include what the price would be to include sewers on the north side of Saunders Settlement Road. (Route #31). This map includes going east & west on Route #31 and gravity sewers going east & west meeting at a pump station. Collection on the north side would be pumped under the road. The distance on the north side is approximately 3500'. Updated costs estimates for the gravity sewers on the north side as well as the sewers previously discussed is \$975,000. \$500,000 is for the area south of Saunders Settlement Rd. and the balance (\$475,000) is for the north side for the gravity section and a small pumping station.

Edwards asked if that would satisfy in the Master Plan the commercial side of Saunders Settlement Rd.

Lannon said it would be from Townline Road 3500' down to about 600' past Bridgeman Road.

Bax said his concern would be that Sanborn finds itself in the same situation as the Village of Lewiston with 20 years from now and things are progressing and we would have to tear up a streetscape. I think it is a big price tag but you have to lay the ground work for the foundation first.

Newlin said a prior board attempted to get this done but there was a cost over run and we will have to watch that. If done right it can serve as the foundation for economic renaissance in Sanborn. We have to make sure that the people there really want that.

Bax said we have gotten the authority to spend some of the other monies east of our current area. We can spend our Greenway monies that way and develop our whole region and this is a perfect way to do this on an even scale.

Newlin: The Greenway Commission did agree with our position that monies could be spent away from the river to other suitable Greenway projects. If that is going to happen in Sanborn and I look forward to it, then this has to be the first step before putting up lamp posts etc.

Lannon said that presuming that the Town Board would want to bond the construction of this project, we would prepare a map plan and report which is the first step in the bonding.

Newlin said we would work out with Bond Counsel a payment plan so we would know exactly what the impact upon the budget will be.

Edwards MOVED to authorize the Supervisor to pursue the Map Plan & Report with respect to the Sanborn Sewer Project. Seconded by Bax and carried 5-0.

Lannon said the map plan and report will be ready within 2 weeks and if we have to integrate with Bond Counsel we will make sure it is done.

Water Lines/Mt. View Dr. etc.

Lannon: We included estimates for paving (2 miles) and the cost would be just over 2.1M for 10,000 linear feet of water lines, all new roads and also drainage improvements along Mt. View Drive. The increase is caused by the cost of asphalt. There would be no curbs proposed. Curbs in front of the County Club would be funded by the club. It appears that the drainage improvements is more important than the curbs. There will be sanitary and storm sewers.

Bax referred to the problem at the Foti residence.

Johnson said we should do a map plan and report for this project and would it be cheaper to bond both projects into one.

Lannon said we could do an amortization to know what the debt repayment would be. I would recommend doing it as one and it would allow you to be more efficient in how you establish it. You could do one map report describing the entire project and that would be my preference.

Johnson asked if that portion of the Village could be broken down.

Lannon said the water line there is approximately 1400' out of the 10,000' or about 15% of the length for about 16 residences.

Newlin said we would have to get the Village involved. We can not start before Sept. 1st when we get the funding (Power Authority) and I would like to consult with Bond Counsel.

Johnson MOVED to amend the previous Motion re: Sanborn Sewers to include the water line project of the Mt. View Drive area pending approval of allowing the Supervisor to confer with Bond Counsel and Attorneys. Seconded by Bax and carried 5-0.

Town Hall Sign: Should be erected the beginning of June and Supt. Reiter should be notified.

Riverwalk Escrow Account:

Johnson MOVED that the \$6000 in the escrow account for the Riverwalk tree project be released with a signed Town voucher pending the Engineers' approval. Seconded by Edwards and carried 5-0.

Stormwater/Phase 11:

Boniello asked if a local law would be required on this matter. Lannon replied yes at a later date.

Item #7: 5852 N. Kline Road Sewer Connection:

Bax referred to the letter from Terry Smith Jr. the homeowner.

Lannon said that the project that the Town did 2003 regarding sewers did not put them on No. Kline Rd. Those on the north side are in the Niagara County Sewer Dist. I will contact him.

Item #8: Assessor Certification Classes:

Johnson MOVED for approval for Assessor Clerk Linda Johnson is permitted to attend 5 educational courses with funds in the amount of \$1500 to come from A1355.0400. Seconded by Bax and carried 5-0.

Item #9: Local Law re: Moratorium on Excavation Permits:

Leone: The first 19 sections of our local law will remain the same. This moratorium for the next 9 months will allow the Town to consider the reclassification that has been under consideration. Should the Town re-codify the zoning law there maybe some questions whether or not zones currently allow excavation and mining now and in the future. It does not make sense to issue permits on something that maybe zoning out of existence. The County Planning Board recommended that the word "mining" be deleted and "excavation" be inserted. We did that and we had our public hearing. It is now ready to be voted on.

Palmer MOVED to adopt this Amendment as presented on the Moratorium on Excavation Permits. Seconded by Bax and carried 5-0.

Leone: This will be certified by the Town Clerk and myself and forwarded to Albany.

Item #10: Wendt's Propane Application:

Leone: Regarding a public hearing, it is not an absolute prerequisite and given this situation it might because historically they have. It depends on the sort of action the Board is going to take. On this one which is not a zoning change but will affect a number of people it is your discretion.

Kristen Gamble of Advanced Design Group: This project we preceded to date under Chapter 10 under Flammable Liquids even though it is not technically flammable liquids. Chapter 10 does say that the Town Board will hold a public hearing on such a project, so if you decide not too....

Newlin said that a public hearing might not be a bad idea for the public as I am sure you would not want to risk the possibility of an Article 78.

Leone: Under that set of circumstances you could.

Kristin Gamble: We will be at the Planning Board meeting this Thursday.

Johnson said they will give us a recommendation and we could have it (a public hearing) on the 24th.

Brandon said there is not sufficient time to have a public hearing on the 24th.

Kristin Gamble said we have already had a public hearing. Could this be waived as we had no opposition even at the one in Sanborn. If we can't have it on the 24th we are now waiting until June.

Johnson said we could still have the public hearing on the 24th ...do we have to have the recommendation of the Planning Bd., Mr. Leone?

Leone said I would recommend that you do it correctly..... but if you choose to set it then...

Bax: Mr. Leone is saying we do not have the Neg Dec in front of us now.

Leone asked why if the applicant already has the recommendation of the Planning Bd. then why are you in front of the Board tonight.

Kristen Gamble: We have the Environmental Commissions' recommendation for a Neg Dec. The Planning Bd. held off making a final decision until after the meeting at the Sanborn Fire Hall. We have met with the fire inspector on this.

Leone said if you set it for the 24th you are doing without the recommendation of the Planning Board who is suppose to hear all of the input and make a recommendation to you. You can legally set the public hearing but am I recommending that...I am not.

Bax asked if by setting the public hearing prior to getting the recommendation of the Planning Board am I as an opponent of that project could challenge it later.

Leone stated he thought so.

Bax said as for the soundness of the project and if you don't want to subject yourselves to future litigation on it.....

Newlin said if we have to wait for the Planning Board to meet, when could we have a public hearing on it? If we don't have a public hearing are we subject to an Article 78?

A discussion took place between Ms. Gamble and Atty. Leone on legal issues.

Leone said his legal opinion is not to have it on the 24th of May.

Johnson MOVED to hold a meeting and a public hearing on the application of Wendt's Propane on June 4, 2007 at 7:00 p.m. Seconded by Bax and carried 5-0.

Item #11: Personnel/Senior Center:

Johnson: The Senior Center is in need of a part time van driver as Mr. Aubrey is not available due to other employment.

Johnson MOVED to hire William Fitzpatrick as part time van driver at a rate of \$9.00 per hour with a 50¢ per hour increase in 6 months. Seconded by Edwards & carried 5-0.

Item #12: Proposed Electrical Upgrade on Center Street:

Palmer: I met with the Chamber on this and they are asking for a site survey or cost analysis to have electrical upgrades on the street and to include outdoor audio speakers. Generators are used during certain festivals which can be cost

prohibitive. With the Board's permission, I would contact Mayor Soluri to see if the Village would consider splitting the cost. (Bd. approved.)

Johnson said we should contact our grant writer Bernie Rotella. We will have him contact you.

Palmer said he would talk with John Barber who is on the Lighting Cmte. and works at National Grid.

Item#13: Historical Preservation/Search for Grants:

Johnson stated that the Clerk Brandon has asked that the Town Board give permission for Bernie Rotella to look for grants. A meeting has been scheduled with a rep from the NYS Archives Dept. to discuss this next week.

Motion by Johnson, seconded by Edwards for grant writer, B. Rotella to assist the Clerk in looking for possible grants. Carried 5-0.

Item #14: Parks/Laborers:

Bax MOVED for approval to hire Parks Laborers P/T Joshua Pacioni at \$8.25 per hour & Christopher Borgatti @ 8:00 per hour. Seconded by Johnson and carried 5-0.

Equipment Repair/Pletcher Rd. Park:

Bax: There is a broken slide that has been blocked off to prevent injury.

Dashineau: Repairs to this slide are approximately \$3000 which is for a piece of the apparatus that has 5 slides altogether.

Edwards said this is a structure that cannot and should not be repaired. It needs to be new.

Dashineau said there is no way we can do that. There are separate slots for the kids to go down. The broken slide has been taped off. This area is where parents come with their younger children.

Bax expressed his concern that somebody could get hurt.

Dashineau said the equipment which is made of plastic is 10 years old. Every piece of equipment was bought ten years ago. To replace the whole structure would cost between \$30,000 and \$35,000. It is a possibility that I do not have money in the parks budget for repairs but there is funds in a capital improvement that some of these expenses could cover. I am asking for permission to purchase the necessary repair parts and will ask for approval of a transfer afterwards or it could be done now. If we went to another company for replacement parts we would have to replace the entire unit.

Elgin asked if we could replace the slide with another activity. Could we use a pole for less money?

Dashineau: The size of the slide was literally the size of a table from one side to the other side. We would have to put 6 to 7 poles up to replace one slide and it goes down in a wave pattern. There are 3 or 4 of them right next to one another and this is a huge piece of the equipment.

DiRamio said there is \$53,000 in the H-61 budget.

Bax MOVED to allow Director M. Dashineau to spend up to \$3000 for the purchase of the necessary equipment to repair the slide at Pletcher Park. Seconded by Johnson and carried 5-0.

Item #15: Highway Purchases:

Edwards MOVED for approval of the following pieces of equipment: 1 Wing Assembly Unit for Tandem @ \$46,694; 1 Comfort Vantage Cab Tractor @

\$35,500; 3 F-350's 4 x 2 Regular Cab Service Trucks @ \$21,760 each (\$65,280); 2 F-350's 4 x 2 Regular Cab Dump Trucks @\$26,600 each (\$53,320) for a total of \$200,794. Seconded by Palmer and carried 5-0.

Edwards MOVED to transfer \$200,794 from H-99 (Reserve) to H-95 (Equipment Reserve.) Seconded by Bax and carried 5-0.

Edwards stated that this year we are \$50,500 less on equipment than the previous vehicle amount set aside. We are making efforts to cut back.

Edwards MOVED at the request of Highway Supt. Reiter to transfer \$21,596.46 from BD-5110-0400 (General Repairs Contractual) to BD-5112-0400 (Permanent Improvement). Seconded by Newlin and carried 5-0.

Edwards said for informational purposes only a final list of the paved roads that will be completed within the next two weeks. (A complete list is on file.) We will have a bill in September for the materials to pave these roads.

Johnson asked that a memo be sent to Highway Supt. Reiter informing him that Town Board approval is needed before any equipment purchases are made.

Upper Mt. Fire Co. Roster:

Johnson MOVED to add to the Upper Mt. Fire Company roster Kevin M. Curran of 856 Swann Road, Lewiston, N.Y. Seconded by Bax and carried 5-0.

Motion to adjourn made by Edwards and seconded by Bax and carried 5-0.

Time: 8:55 p.m.

Respectfully Submitted & Transcribed by:

Carol J. Brandon
Town Clerk